

REMARKS

This is in response to the Office Action mailed on June 9, 2004. In the Office Action, claims 1-20 were pending of which claims 1-20 were rejected. With this Amendment, claims 2, 4, 12-15, 17 and 18 are canceled. Claims 3, 6, 11 and 16 are amended. Claims 1, 3, 5-11, 16, 19 and 20 are presented for reconsideration and allowance.

On page 2 of the Office Action, claim 6 was objected to as including an antecedent basis informality. With this Amendment, claim 6 has been amended to depend from claim 5, and therefore no longer contains informalities.

On pages 3-6, the Office Action rejected claims 1, 3, 5-8, 15 and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,609,825 (hereinafter the '825 patent). Further, the Office Action also rejected claims 9, 10, 19 and 20 under the doctrine of obviousness-type double patenting as being unpatentable over the '825 patent in view of U.S. Patent No. 4,821,566 to Johnston et al. However, the Office Action indicated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) may be used to overcome these rejections. A Terminal Disclaimer is filed herewith, and it is therefore respectfully submitted that claims 1, 3, 5-10, 16, 19 and 20 are in allowable form. Claim 15 is cancelled with this Amendment.


On pages 2-3, the Office Action rejected claims 2, 4, 11-14, 17 and 18 under 35 U.S.C. §101 as claiming the same invention as that of the '825 patent (statutory-type double patenting). With this Amendment, claim 11 is amended to include the limitations contained in original claims 13 and 15. As noted above, claim 15 was rejected under the doctrine of obviousness-type double patenting. It is therefore submitted that the Terminal Disclaimer filed herewith places claim 11 in allowable form. With this Amendment, claims 2, 4, 12-15, 17 and 18 are canceled.

In view of the foregoing, it is respectfully submitted that the rejection of the remaining claims, namely claims 1, 3, 5-11, 16, 19 and 20, be withdrawn. Reconsideration and allowance of claims 1, 3, 5-11, 16, 19 and 20 are respectfully solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:   
John Veldhuis-Kroese, Reg. No. 38,354  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

JVK/CV/jme